

MINUTES
of the
OFF-HIGHWAY VEHICLE ADVISORY GROUP (OHVAG)
of
ARIZONA STATE PARKS
MEETING OF November 7, 2008
Sipe White Mountain Wildlife Area

A. CALL TO ORDER AND ROLL CALL

Chair Rogers called the meeting to order at 2:05pm. Members introduced themselves by way of roll call, and Ms. Shulman announced a quorum. Chair Rogers introduced the Mayor of Eagar, Arizona.

Committee Members Present: Hank Rogers
 Drew John
 Pete Pfeifer
 Rebecca Antle
 Robert Biegel
 John Savino

Committee Members Absent: Jim Schreiner

Arizona State Parks (ASP) Staff: Amy Racki, OHV Coordinator
 Bob Baldwin, Grants Coordinator
 Ruth Shulman, ASP

Other Individuals Present: Santee McCullen, former OHVAG member
 Mike Sipes, for OHVAG member
 Joe Sacco, Arizona Game & Fish Department (AGFD)
 Jody Latimer, Arizona State Land Department (ASLD)
 Ken Lamb, ASLD
 Bob Taylor, Apache-Sitgreaves National Forest

B. INTRODUCTION OF MEMBERS AND STAFF

This item dispensed with, as roll call consisted of introductions.

C. ACTION ITEMS

1. Approval of Minutes from the August 8, 2008 Meeting

Mr. Savino suggested a change to Ms. McCullen's comment in the Public Comment section of the August minutes. Ms. McCullen noted that the change would retain her original meaning. Mr. Biegel moved that the minutes be accepted as amended. Mr. Pfeifer seconded the motion, which carried with no further discussion.

2. Recommend New Members to the OHVAG

Ms. Racki provided a brief background on the openings to which members are to be recommended for appointment, and the process of appointment.

Chair Rogers noted that one applicant had attended the meeting, and invited him to say a few words. Mr. Ted Donald Harris noted knowledge that OHVAG should ensure OHV information is disseminated to the OHV community.

Ms. Shulman provided voting procedure guidance. OHVAG members would present their top choice for an opening and then prioritize from there until one candidate remained to be recommended for appointment.

Mr. Rogers was listed as the top choice (6 yea/0 nay) by all the voting members of OHVAG. Mr. Savino then moved that Hank Rogers be nominated to fill the OHV organization vacancy on OHVAG and that he serve a three-year term beginning January 1, 2009 and that this recommendation be forwarded to the Arizona State Parks Board for final action. Mr. Pfeifer seconded the motion, which carried with no further discussion.

The next appointment was for a representative of the sportspersons' community. David L. Moore was the top choice (6 yea/0 nay) of all the voting members of OHVAG. Mr. Biegel moved that David L. Moore be nominated to fill the sportsperson vacancy on OHVAG and that he serve a three-year term beginning January 1, 2009 and that this recommendation be forwarded to the Arizona State Parks Board for final action. Mr. Pfeifer seconded the motion, which carried with no further discussion.

The ASP Board will consider these recommendations at their meeting on November 21, 2008.

3. Select an OHVAG Chair and Vice-Chair

Mr. Biegel nominated the current slate of officers (Hank Rogers, Chair and Drew John, Vice-Chair) to retain their seats for the upcoming year. Chair Rogers and Vice-Chair accepted the nomination. Mr. Biegel moved to elect the slate. Mr. Savino seconded the motion, which carried with no further discussion.

4. Discuss Presentation to Parks Board

Ms. Racki noted that the ASP Board has requested that each advisory committee make a ten minute presentation at the November 21, 2008 Board meeting, to be followed by a ten minute Q&A session. Because the OHV Legislation is the subject of a separate agenda item at the meeting, she suggested that the presentation not be dominated by new Legislation material.

Drew John, Rebecca Antle and Bob Beigel will attend the meeting to make the presentation. Ms. Racki will send a .pdf file with information to use during the presentation, including information on the OHV Ambassadors, and how the OHV

Recreation Fund dollars are used. It was suggested that the OHVAG presenters give the trail maps to the ASP Board.

5. Status of OHV Recreation Fund Projects (OHVRFP)

Ms. Racki will provide OHVAG with a complete list of the status of the OHVRFPs prior to the ASP Board meeting. She noted that the position for a new OHV program coordinator would be open until November 12, however it is problematic whether the hiring could take place, and whether a new hire could be retained in the face of the state budget crisis. She also noted that the dealer program has been “adopted” by nine dealers. An evaluation report was provided to OHVAG.

With regards to the OHV Ambassador program, there are to date almost 70 volunteers in three pilot areas. There are liability issues with the Tonto National Forest, in that the Forest does not want to do individual volunteer agreements. The Ambassador program is now on hold with the Tonto, but there are volunteers in nearby areas belonging to the Bureau of Land Management (BLM) and the Arizona State Land Department (ASLD). Further discussion on expanding the Ambassador program to other areas of the state followed, especially around the logistics of training and providing local and regional coordinators to manage the program. Ms. Racki noted that a separate Inter-Governmental Agreement (IGA) between the USFS and ASP is necessary for the Ambassadors to operate in National Forests. The USFS has expressed an interest in the program, but each forest differs in how programs are included in forest operations. Further discussions are on hold until issues of funding and staffing within ASP are decided. An update should be available at the next OHVAG meeting.

Ms. Racki also noted that the Public Land Information Center (PLIC) is assisting ASP in updating the ASP website, which should be available before the end of early 2009. The ASLD is also revising their website to include information on the changes brought about by the OHV legislation.

Jody Latimer and Ken Lamb from the ASLD rose to discuss ASLD and access policies. Ms. Antle asked why group access permits are so difficult to obtain. Ms. Latimer responded that recreation permits are easy to obtain, however group permits need to be reviewed on a case-by-case basis. She noted that several of the holders of ASLD grazing leases have complained about OHV use on the land. She would need to have the details of any particular case to understand the specifics. Ms. Latimer is open to discuss permit issuing, and it helps ASLD when requests are made well in advance. Ms. Antle asked whether access permits fees would increase. Ms. Latimer said they would increase, and the information is available on the ASLD website.

Mr. Biegel asked if an access permit was necessary if rider groups had been invited onto the land by a lessor. Mr. Lamb said that an event permit would be necessary, which amounts to a “special land use” permit for a specific event on specific parcels, which is the short answer to this question. He also noted that lessors only graze on the land; they cannot themselves use the land for any other purpose without a permit. This can also be reviewed on a case-by-case basis.

Ms. Antle asked if a permit is necessary if a group wants to arrange a clean-up. Ms. Latimer said that the agency or group sponsoring the clean-up should write a letter asking for the right-of-entry. However, as with most ASLD parcels, this depends on the area. Ms. Antle asked if there is a relationship between the new OHV decal and getting a permit for the ASLD. Ms. Latimer responded that it is a complicated issue and clarification is pending. She invited interested OHVAG members to drop in to the nearest ASLD office.

(At this time, OHVAG adjourned for a break at 4:00pm and reconvened at 4:07.)

6. Discuss US Forest Service Travel Management Rule

Bob Taylor of the Apache-Sitgreaves National Forest presented an overview of the federal travel management rule within the forests. He noted that the final rules have not yet been developed. However, the forests have collected over 20,000 public comments, which focused on five areas to drive the alternatives to develop the rules. There were seven alternatives, ranging from 0% OHV access to 100% OHV access within the forests. He noted that there is no national, regional or forest policy specifically on UTVs. Potentially, policies on UTVs hinge on definitions. For example, one existing rule defines authorized vehicles as having a wheel-base of 50" or less. One reason for the size determination on wheel-base is that vehicles with a wheel-base of greater than 50" would allow Jeeps, sandrails or GeoTrackers which users have said are not wanted on all trails or routes. He said that as far as the Apache-Sitgreaves National Forest, UTVs are allowed if their wheel-base is 50" or less. Mr. Savino noted that he feels the weight and stability of the vehicle is more important than wheel-base. He also noted that he does not think ATVs and UTVs should not share the 60" wide trails/routes.

Mr. Taylor said that there are 2,000 miles of level 2 routes (level 2 being an unmaintained, primitive roadway) and with that amount of space, there should be little traffic problems regarding ATVs and UTVs sharing the road. He also noted that weight was not part of the current rule; wheel-base was adopted as the measure, but that the final rules are still not set. However some of these components to the rule may hold up the Travel Management Rule as a whole from 5-10 years. There has been a lot of good work on all sides.

Chair Rogers asked whether the Forest needed specific direction from the USFS national office. Mr. Taylor noted that these rules cannot be determined unilaterally. Ms. McCullen noted that many riders are upgrading to UTVs from ATVs, and the new vehicles may have a wider wheel-base. Mr. Taylor said that the UTVs may be wider, but the "running surface" is probably 50". Ms. McCullen noted that a wheel-base of 53" to 54" would be fine, and that the Forest might look into posting "No Full-Size Vehicles" signs. Further discussion on the full-size vehicle issue followed.

Mr. Taylor noted that the Apache-Sitgreaves Forest is well along with the process of developing the rules. Mr. Sipes asked if the Forest had a revised calendar. Mr. Taylor said that the Forest would publish a draft EIS on June 5, 2009, with the final rule being

decided by October/November, 2009, with maps being published in April of 2010, provided there is no litigation or other problems.

Ms. Antle discussed the difficulties of the 4-wheel drive users with UTVs. They are difficult to see, often run at high speeds and pose a safety issue on roads meant for full-size vehicles. Mr. Taylor said that road conditions should dictate the speed of a vehicle; bad conditions, lower speed. It is not possible to devote specific trails to specific vehicles. Further discussion on UTVs and safety followed.

Chair Rogers thanked Mr. Taylor for his presentation.

7. Discuss OHV Legislation

Mr. Sacco discussed developing the varying educational curriculums required by the OHV legislation. The curriculum will include education on the Arizona environment, and dust issues and should not supplant other educational programs, but rather complement them. Another educational component is the “violator” course being developed for those who receive tickets. The courses are being developed to be taken online. The educational programs are still in the conceptual phase, and when they are further developed will be made available for public comment. There are two models being used for the various programs; the environmental education is based on the current hunter education program and the violator education is based on a Florida boating violator model.

Mr. Sacco also noted that position descriptions and other necessary steps are being taken to hire the seven enforcement officers specified in the legislation. All seven officers cannot be hired at once, but will be as the funds come in. Chair Rogers asked whether the money to hire the officers could be swept by the Legislature during the budget crisis. Mr. Sacco said that he did not know for certain, but that most of the gas-tax funds available have been swept by the Legislature.

Ms. Racki noted that the ASP and AGFD will work closely together on the OHV legislation implementation. Mr. John suggested that an agreement be reached that funds be distributed quarterly in order to keep the “pot” from accumulating. Mr. Sipes suggested working on reimbursements rather than providing beneficiaries “front money”.

Mr. Sacco also noted that the Arizona Motor Vehicle Department (MVD) and the Arizona State Land Department (ASLD) are working with ASP and AGFD on conducting public outreach on the legislation. There are flyers, rack cards, and various handouts being provided to the public. Mr. John noted that the OHV user groups should “step up” and also provide education on the legislation with their members.

Mr. Sipes asked Mr. Sacco about the reciprocity issue – will Arizona issued stickers be valid in other states and vice-versa. He asked if the legislation as passed supports reciprocity. Mr. Sacco responds that he is not 100% familiar with that particular issue, but he feels the language does say if a rider has a sticker they can ride in the state. Chair Rogers noted that ASLD is slated to receive 5% of the funds generated by sticker revenues. This is related to the reciprocity issue, as far riding on ASLD land. Mr. Sacco

noted that the legislation specifies that riders from other states are exempt from purchasing an Arizona sticker, but that the application of policy may vary from regulating agency to regulating agency. Chair Rogers noted that, when asked, the ASLD people he has spoken to respond that the issue is hard to explain. Ms. Latimer said that if they had planned to speak to OHVAG, they would have prepared more information. She suggested that OHVAG invite to their next meeting those members of the ASLD who attended the legislative discussions.

Further discussion on reciprocity, sticker costs, and revenues followed.

8. OHVAG Goals for FY2009 and FY2010

This item tabled until the revised OHV budget becomes available.

E. REPORTS

1. Chair's Report

Chair Rogers said that the local school superintendent had started an outdoor club, and he and Mr. Sacco had discussed presenting OHV education to the club members. The superintendent noted that expanding programs into the outdoor club must be approved by the school board, but the OHV education program could be a pilot. The program might be eligible to apply for a grant.

2. Staff Reports

a) Update on ASP Board Actions

Mr. Baldwin said that the ASP Board had approved the recommended grants at their last meeting. There had been some discussion on the part of the Board regarding the Pima Motorsports Park (PMP), as one member had some concern about the business, but those concerns were dealt with and the grants approved. Mr. Baldwin also noted that 2009 is the final year of the SAFETEA-LU program, and the new transportation bill in the US Congress is not likely to contain the Recreation Trails Program component, nor a Transportation Enhancement program. Mr. Baldwin recommended that OHVAG members contact their Senators. Mr. Baldwin went on to note that the 2009 RTP apportionment as \$609,000, so there should be \$540,000 for the grants. There may be deobligated funds to add to that. Mr. Pfeifer asked when the funds for the PMP grant would be released. Mr. Baldwin responded that the funds would be available when the contracts are signed and returned.

b) Update on Trails 2010 Plan

Ms. Racki noted that the workshop meetings for both the public and land managers are ongoing, and will be complete in mid-December. The survey results of land managers, trails users and the general public are being compiled by Arizona State University and will be available for presentation and discussion shortly.

c) Travel Reimbursement Procedures

Ms. Shulman reviewed the procedures for completing Travel Claim forms for timely reimbursement and reiterated that she is available to assist in answering questions about the forms and reimbursement requirements. She will also provide the entire set of travel reimbursement documents in electronic forms to OHVAG.

F. CALL TO THE PUBLIC

Mr. Rogers thanked Ted Strickland, a prospective OHVAG member for attending the meeting.

**G. SUMMARY OF CURRENT EVENTS, MATTERS OF BOARD
PROCEDURE, REQUESTS AND ITEMS FOR FUTURE AGENDAS**

Items for future agendas: ASLD and the permit process, OHVAG goals, the Ambassador program.

H. TIME AND PLACE OF NEXT MEETING

January 30, 2009, 1:00pm, Phoenix

I. ADJOURNMENT

Mr. Biegel moved to adjourn the meeting. Mr. Pfeifer seconded the motion, which carried with no further discussion. The meeting adjourned at 5:15pm.